



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1157

Introduced 02/08/11, by Rep. Mike Bost

SYNOPSIS AS INTRODUCED:

New Act

Creates the Program Abolition for Nonappropriation of Funds Act. Requires the Office of the Comptroller to compile lists of programs created by laws containing language making the programs subject to appropriation. Requires the State officer or agency responsible for administering each such program to submit a report to the Comptroller stating whether any funds have been appropriated for the program during certain time periods. Requires the Comptroller to compile lists of such programs for which no funds have been appropriated during certain time periods. Provides that the lists shall be filed with the Index Department of the Secretary of State and published in the Illinois Register. Provides that each program on a list filed with the Index Department of the Secretary of State is abolished, funds may not be expended for any such program after the date of publication, and the Comptroller shall notify the State officer or agency that is statutorily responsible for administering an abolished program that the program has been abolished. Provides for adoption of rules. Effective immediately.

LRB097 02841 WGH 42863 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Program Abolition for Nonappropriation of Funds Act.

6 Section 5. Definition. In this Act, "Comptroller" means the
7 Office of the Comptroller.

8 Section 10. Initial list of programs; reports.

9 (a) Not later than 120 days after the effective date of
10 this Act, the Comptroller shall:

11 (1) compile a complete list of programs that meet all
12 of the following criteria:

13 (A) the program was created by law before the
14 effective date of this Act;

15 (B) the law creating the program contains language
16 making the program subject to appropriation; and

17 (C) on the effective date of this Act, the law
18 creating the program was in effect for at least 4
19 fiscal years;

20 (2) determine the State officer or agency that is
21 statutorily responsible for administering each such
22 program; and

1 (3) deliver a notice to the State officer or agency
2 responsible for administering each such program requiring
3 the State officer or agency to submit a report to the
4 Comptroller as provided in subsection (b).

5 (b) Not later than 60 days after receiving a notice from
6 the Comptroller in accordance with subdivision (a)(3), the
7 State officer or agency shall submit a report to the
8 Comptroller stating whether any funds have been appropriated
9 for the program referenced in the notice in any of the 4
10 immediately preceding fiscal years. The State officer or agency
11 shall include appropriate supporting documentation in its
12 report.

13 (c) If the Comptroller identifies a law that creates a
14 program and contains language making the program subject to
15 appropriation but the Comptroller is unable to identify a State
16 officer or agency that is statutorily responsible for
17 administering that program or the Comptroller determines that
18 the State officer or agency that is statutorily responsible for
19 administering that program is no longer in existence and there
20 is no successor agency, the Comptroller shall determine, not
21 later than 180 days after the effective date of this Act,
22 whether any funds have been appropriated for the program in any
23 of the 4 immediately preceding fiscal years. If the Comptroller
24 requests assistance from any other State officer or agency in
25 making such a determination, that assistance shall be promptly
26 provided.

1 (d) If a State officer or agency fails to report to the
2 Comptroller with respect to a program as required in subsection
3 (b) or files a report that is incorrect or incomplete, the
4 Comptroller shall deliver a notice to the Office of the
5 Governor (in the case of an executive branch program), the
6 General Assembly (in the case of a legislative branch program),
7 or the Supreme Court (in the case of a judicial branch program)
8 setting forth the failure to report or the incorrect or
9 incomplete report with respect to the program. Upon receiving
10 such a notice, the Office of the Governor (in the case of an
11 executive branch program), the General Assembly (in the case of
12 a legislative branch program), or the Supreme Court (in the
13 case of a judicial branch program) shall assign personnel to
14 submit, not later than 60 days after receiving a notice from
15 the Comptroller in accordance with this subsection (d), a
16 report to the Comptroller with respect to the program that
17 contains the information required under subsection (b).

18 Section 15. Annual lists of programs; reports.

19 (a) Beginning one year after the effective date of this
20 Act, the Comptroller shall, on an annual basis:

21 (1) compile a complete list of programs that meet all
22 of the following criteria:

23 (A) either (i) the program was created by law
24 before the effective date of this Act and the law
25 creating the program has been in effect for at least 4

1 fiscal years or (ii) the program was created by law on
2 or after the effective date of this Act and the law
3 creating the program has been in effect for at least 2
4 fiscal years;

5 (B) the law creating the program contains language
6 making the program subject to appropriation; and

7 (C) the program has not previously been included in
8 a list compiled by the Comptroller under this Section
9 or Section 10;

10 (2) determine the State officer or agency that is
11 statutorily responsible for administering each such
12 program; and

13 (3) deliver a notice to the State officer or agency
14 responsible for administering each such program requiring
15 the State officer or agency to submit a report to the
16 Comptroller as provided in subsection (b).

17 (b) Not later than 60 days after receiving a notice from
18 the Comptroller in accordance with subdivision (a)(3), the
19 State officer or agency shall submit a report to the
20 Comptroller stating whether any funds have been appropriated
21 for the program referenced in the notice in any of the 4
22 immediately preceding fiscal years (in the case of programs
23 under subdivision (a)(1)(A)(i)) or in either of the 2
24 immediately preceding fiscal years (in the case of programs
25 under subdivision (a)(1)(A)(ii)). The State officer or agency
26 shall include appropriate supporting documentation in its

1 report.

2 (c) If the Comptroller identifies a law that creates a
3 program and contains language making the program subject to
4 appropriation but the Comptroller is unable to identify a State
5 officer or agency that is statutorily responsible for
6 administering that program or the Comptroller determines that
7 the State officer or agency that is statutorily responsible for
8 administering that program is no longer in existence and there
9 is no successor agency, the Comptroller shall determine, not
10 later than 180 days after the effective date of this Act,
11 whether any funds have been appropriated for the program in any
12 of the 4 immediately preceding fiscal years (in the case of
13 programs under subdivision (a) (1) (A) (i)) or in either of the 2
14 immediately preceding fiscal years (in the case of programs
15 under subdivision (a) (1) (A) (ii)). If the Comptroller requests
16 assistance from any other State officer or agency in making
17 such a determination, that assistance shall be promptly
18 provided.

19 (d) If a State officer or agency fails to report to the
20 Comptroller with respect to a program as required in subsection
21 (b) or files a report that is incorrect or incomplete, the
22 Comptroller shall deliver a notice to the Office of the
23 Governor (in the case of an executive branch program), the
24 General Assembly (in the case of a legislative branch program),
25 or the Supreme Court (in the case of a judicial branch program)
26 setting forth the failure to report or the incorrect or

1 incomplete report with respect to the program. Upon receiving
2 such a notice, the Office of the Governor (in the case of an
3 executive branch program), the General Assembly (in the case of
4 a legislative branch program), or the Supreme Court (in the
5 case of a judicial branch program) shall assign personnel to
6 submit, not later than 60 days after receiving a notice from
7 the Comptroller in accordance with this subsection (d), a
8 report to the Comptroller with respect to the program that
9 contains the information required under subsection (b).

10 Section 20. Abolition of programs. Upon completion of its
11 duties under Section 10 or upon completion of its duties under
12 Section 15 for a particular year, the Comptroller shall compile
13 a list of programs for which no funds have been appropriated in
14 any of the 4 immediately preceding fiscal years (in the case of
15 programs subject to Section 10 or subject to subdivision
16 (a)(1)(A)(i) of Section 15) or in either of the 2 immediately
17 preceding fiscal years (in the case of programs subject to
18 subdivision (a)(1)(A)(ii) of Section 15). The list shall be
19 filed with the Index Department of the Secretary of State and
20 published in the Illinois Register. Each program on a list
21 compiled by the Comptroller under this Section is abolished on
22 the date the list is filed with the Index Department, and no
23 State funds may be expended for a program on the list after the
24 date the list is filed with the Index Department. The
25 Comptroller shall also notify the State officer or agency that

1 is statutorily responsible for administering an abolished
2 program that the program has been abolished.

3 Section 25. Rules. the Comptroller may adopt rules for the
4 administration of this Act.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.